

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:
RUSSELL EARL VANDIVER
5301 GOLDEN MOSS TRAIL
RALEIGH, NC 27613

CASE NO: 24-03116-5-DMW
CHAPTER 13

Debtor

OBJECTION TO CONFIRMATION

NOW COMES the Chapter 13 Trustee, and hereby moves for entry of an order denying confirmation of the Debtor's chapter 13 plan by finding it does not comply with the provisions of 11 U.S.C. §§ 1322 and or 1325. The basis for this objection is set forth below:

1. Upon information and belief, the Debtor has failed to file all applicable Federal, State, and local tax returns as required by 11 U.S.C. § 1308, and therefore has not complied with 11 U.S.C. § 1325(a)(9).
2. The Attorney Fees listed on the Chapter 13 Plan (\$0.00 - \$0.00 = \$0.00) do not match the Attorney Fees listed on the Disclosure of Compensation of Attorney for Debtor (\$6,838.00 - \$0.00 = \$6,838.00).
3. The plan as proposed by the Debtor is infeasible because it is not funded to satisfy all claims scheduled to be paid through Trustee disbursements.

WHEREFORE, based upon the foregoing, the Trustee respectfully requests that the Court deny confirmation of the plan, and for any other relief the Court deems just and proper.

Dated: December 4, 2024

/s/ Michael B. Burnett
Michael B. Burnett
CHAPTER 13 TRUSTEE
N.C. BAR NO. 42719
PO BOX 61039
RALEIGH, NC 27661-1039
TELEPHONE: (919) 876-1355

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CERTIFICATION OF SERVICE

I, Erika West, of PO Box 61039, Raleigh, NC 27661-1039, do certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and

That I have this day caused copies of the foregoing Objection to Confirmation on to be served on the parties listed below by United States mail bearing sufficient postage, or if such interested party is a Filing User, by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

DATED: December 04, 2024

/s/Erika West
Case Administrator

By U.S. Mail

DEBTOR
RUSSELL EARL VANDIVER
5301 GOLDEN MOSS TRAIL
RALEIGH, NC 27613

By CM/ECF:

ATTORNEY FOR DEBTOR
TRAVIS SASSER
LAW OFFICE OF TRAVIS SASSER
2000 REGENCY PARKWAY, SUITE 230
CARY, NC 27518